

REMARKS

Claims 14-19, 29, 31-34, and 37-41 are in the application. Reconsideration and withdrawal of the rejections is requested in view of the changes to the claims and the following remarks.

Claims 14, 19, and 31 have been amended to describe, or to further describe, the clamp jaw as having a rounded or blunt front end, as described at 0007 and 0020.

Claims 14, 17, 31, and 39 have been amended to describe a non-metal and/or a soft tissue filling implant, as described at 0006 and 0021. The teeth or serrations included in new claim 40 are described at 0019. The ejector of claim 14 has been moved to claim 15.

Turning to the 35 USC § 112, second paragraph rejections, initially claim 14 is directed only to a surgical tool. Consequently, claim 14 is not properly subject to the Section 112 rejection. On the other hand, as the Examiner points out, claim 17 is a dependent claim adding a non-metal lip implant. Claim 17 is directed to a combination of the tool of claim 14, and the lip implant, for example, one of the implants 56 as shown in Fig. 8. Claims 31 and 39, like claim 17, are also directed to the combination, or kit, of a tool and an implant.

The invention relates to a tool for performing lip enhancement surgery, or for surgery to treat skin depressions resulting from acne scars or similar conditions, or for treating nasal labile folds. In each instance, rather than using traditional surgical cutting techniques as described at 0004, the claimed tool is routed through the tissue between incisions or openings. The blunt or radiused front end of the clamp jaw can create a tunnel or opening between the incisions. The leading end of the tool is moved out of the second incision. The implant is grabbed by the jaw. The tool is then pulled back

towards the first incision drawing the implant behind it. When the jaw reaches the first incision, the implant is released, so that the implant remains properly positioned within the tissue. As described, e.g., at 0030, the risk of bruising or hematoma is reduced.

Turning specifically to the prior art, both Mayenburger et al., U.S. Patent No. 5,843,097, and Green et al., U.S. Patent No. 5,100,420, describe surgical clip applicators or staplers. The clips are metal pieces which are sequentially advanced and deformed or closed down around e.g., a blood vessel. Neither Mayenburger et al. or Green et al. disclose or suggest advancing the tool through tissue. In contrast to the rounded front or blunt nose of claims 14 and 31, Mayenburger et al. has square leading prongs 48 (Fig. 3). Green et al. has a front end with flat sides and sharp edges. Accordingly, neither the Mayenburger et al. tool or the Green et al. tool has a rounded or blunt nose suitable for routing through tissue. Indeed, neither reference suggests any such design or use.

Claims 17, 31, 32 and 39 describe a non-metal lip implant, or a non-metal soft tissue filling implant. On the other hand, both Mayenburger et al. and Green et al. apply metal clips, which serve an entirely unrelated purpose.

New claim 40 describes teeth or serrations, a feature not suggested by either prior art reference.

New claim 41 describes the implant as a separate and external element. On the other hand, in both Mayenburger et al. and Green et al. the clips are provided from within the tool.

In view of the foregoing, it is submitted that the claims are patentable over the prior art. Accordingly, a Notice of Allowance is requested.

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